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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB
Hon. Charles R. Breyer

**NOTICE OF MOTION AND
MOTION TO WITHDRAW AS
COUNSEL OF RECORD;
SUPPORTING MEMORANDUM**

This Document Relates to:

CLF T.M. v. Uber Technologies, Inc., et al.
Case No. 3:25-cv-4281-CRB

Date: November 7, 2025
Time: 10:00 am
Courtroom 6

TO ALL PARTIES: **PLEASE TAKE NOTICE** that on November 7, 2025 at 10:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Charles R. Breyer, Judge of the United States District Court, located at 450 Golden Gate Avenue, Courtroom 6, 17th Floor, San Francisco, California 94102, plaintiff's counsel, Tracey B. Cowan and Clarkson Law Firm, P.C., will move the Court for leave to withdraw from representation of CLF T.M. ("Plaintiff" or "Plaintiff T.M." herein).

This motion is made on the grounds that Plaintiff's counsel has been unable to successfully contact Plaintiff T.M. for multiple months, making it unreasonably difficult to represent her.

1 This motion is based on this notice, the following memorandum of points and authorities,
2 and the declarations filed in support thereof, and on such other evidence as may be adduced.

3
4 Dated: September 18, 2025

Respectfully submitted,

5 By: /s/ Tracey B. Cowan
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18 *Counsel for Plaintiff*
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MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW

A client's repeated failure to communicate with counsel in not responding to phone calls and written communication is sufficient to be considered conduct making it unreasonably difficult for counsel to carry out the litigation. (*Beard v. Shuttermart of Cal., Inc.*, 2008 U.S. Dist. LEXIS 10575 (S.D. Cal. Feb. 13, 2008); *Navarro v. Costco Wholesale Corp.*, 2023 U.S. Dist. LEXIS 19958 (S.D. Cal. Feb. 6, 2023).)

Plaintiff T.M. signed a retainer agreement with Plaintiff's firm on January 24, 2025. (Declaration of Tracey Cowan ("Cowan Decl."), ¶ 2.) A material term of that contract was that Plaintiff must always maintain updated contact information. (*Id.*) The contract also specified that, if Plaintiff failed to uphold her contractual obligations, Plaintiff's firm would have grounds to withdraw as counsel. (*Id.*) Despite this agreement, for several months, Plaintiff's counsel has been unable to contact Plaintiff T.M. despite repeated attempts to reach her. (*Id.* ¶¶ 3, 5–10.) Plaintiff's counsel has not been able to reach Plaintiff at the phone number she provided. (*Id.* ¶ 3.) Plaintiff has also not responded to multiple certified letters sent to her physical addresses and has not responded to emails that have been sent to the email address she provided. (*Id.* ¶¶ 3, 5–10.)

Plaintiff's counsel made multiple attempts to contact Plaintiff T.M. in advance of the court-ordered deadline that Plaintiff produce a Plaintiff Fact Sheet ("PFS"). (*Id.* ¶ 5.) All of Plaintiff's counsel's attempts via phone call, text message, and email have been unsuccessful. (*Id.* ¶¶ 3, 5–10.) In attempt to comply with the PFS deadline, Plaintiff's counsel requested an extension from defense counsel. (*Id.* ¶ 6.) On June 13, 2025, Defendants granted one 30-day extension, extending Plaintiff's PFS deadline until July 18, 2025. (*Id.*)

Plaintiff's counsel sent a letter via certified mail on June 11, 2025, to the physical address in Stafford, Texas provided by Plaintiff T.M., and via email at the email address Plaintiff provided. (*Id.* ¶ 7.) This letter stated that if Plaintiff was unable to communicate with her counsel, Plaintiff's counsel would no longer be able to represent her in this litigation. (*Id.*) This letter reiterated Plaintiff's duty to communicate, as stated in the representation agreement she signed. (*Id.*) The letter was returned to our office. (*Id.*)

On June 18, 2025, having still not heard from Plaintiff, Plaintiff's counsel sent a second

1 certified letter to Plaintiff T.M.'s address in Stafford, Texas and a copy via email. (*Id.* ¶ 8.) This
2 letter stated that Plaintiff has been unresponsive to Plaintiff's counsel, and if counsel did not hear
3 back by a certain date, we would move forward with withdrawal of representation in her case (*Id.*)
4 This letter was also returned to our office. (*Id.*)

5 On July 25, 2025, Plaintiff's counsel sent a final withdrawal letter to Plaintiff T.M.'s
6 physical address and also by email. (*Id.* ¶ 9.) This letter was returned to sender. (*Id.*) Further, after
7 a diligent search to confirm Plaintiff T.M.'s current address, Plaintiff's counsel hired a process
8 server to personally serve Plaintiff the letter at her address in Stafford, Texas. (*Id.* ¶ 10.) On
9 August 7, 2025, after multiple attempts, the process service was able to complete service on
10 Plaintiff T.M. (*Id.*)

11 Plaintiffs T.M.'s inability or refusal to communicate has prevented her counsel from
12 collecting information required by court-ordered deadlines. (*Id.* ¶ 11.) As referenced above,
13 Plaintiff's counsel was unable to speak with Plaintiff and gain additional information regarding
14 her claims prior to July 18, 2025, the court-mandated deadline to submit her Plaintiff Fact Sheet—
15 a deadline that had already been extended by defense counsel to allow Plaintiff's counsel
16 additional time to reach Plaintiff T.M. (*Id.*) The PFS requires information counsel does not
17 currently have and further requires Plaintiff provide responses in her own words. (*Id.*) Plaintiff's
18 counsel thus cannot complete and submit Plaintiff's PFS without communicating with Plaintiff.
19 (*Id.*) Plaintiff's counsel informed Plaintiff, via email and in the multiple hard-copy letters
20 mentioned above, of the importance of responding, specifically because of the relevant court-
21 mandated deadlines. (*Id.*)

22 Plaintiff's counsel has completely lost communication with Plaintiff and has no way to
23 contact her. (*Id.* ¶ 12) Without Plaintiff's cooperation and willingness to communicate with her
24 counsel, it is impossible for his counsel to effectively represent her. Therefore, Plaintiff's counsel
25 requests that they be granted leave to withdraw as attorneys of record for Plaintiff T.M.

26
27 Dated: September 18, 2025

Respectfully submitted,

28 By: /s/ Tracey B. Cowan
TRACEY B. COWAN (Cal Bar No. 250053)

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Tracey Cowan, hereby certify that I caused to be served on the attached Notice of Motion and Motion to Withdraw as Counsel, and Supporting Memorandum and Declaration of Tracey Cowan in Support of Motion to Withdraw on September 18, 2025, by first class U.S. Mail, addressed to: Plaintiff CLF T.M., at the last recorded address on file.

Executed in San Rafael, California on September 18, 2025.

s/Tracey Cowan

Tracey Cowan